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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement, Jr.

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## DIGEST

Claitor (SB 553)

Present law provides relative to the suspension and deferral of certain sentences for certain crimes under certain circumstances.

Proposed law retains present law and adds that when a case is assigned to an established DWI or sobriety court program certified by the La. Supreme Court Drug Court Office, the National Highway Traffic Safety Administration, or the La. Highway Safety Commission, with the consent of the district attorney, the court may place the defendant on probation for a period of no more than four years if the court determines that the successful completion of the program may require that the period of probation exceed the two-year limit.

Present law provides that the dismissal of a prosecution has the same effect as an acquittal, except that the conviction may be considered as a first offense and provide the basis for subsequent prosecution of the party as a multiple offender.

Proposed law changes the reference in present law from "first offense" to "prior offense" but otherwise retains present law.

Present law further provides that discharge and dismissal under present law may occur only once with respect to any person during a five-year period. Present law further provides that discharge and dismissal under present law for the offense of operating a vehicle while intoxicated may occur only once with respect to any person during a 10-year period.

Proposed law retains present law and adds that discharge and dismissal may occur on a single subsequent prosecution and conviction during a 10-year period under the following conditions:

1. The offender has successfully completed a DWI or sobriety court program pursuant to proposed law.
2. The remaining provisions of present law have been satisfied.

Effective August 1, 2012.

(Amends C.Cr.P. Art. 894(B)(2); adds C.Cr.P. Art. 894(A)(7) and (B)(3))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original

bill

1. Changes reference in proposed law from "National Highway Safety Commission" to "National Highway Traffic Safety Administration."
2. Changes reference in present law from "first offense" to "prior offense."